IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3282 OF 2004

Dayanand Avaba Pol & Anr. .. Applicants.
Vs.
State of Maharashtra .. Respondent.

Mr.R.D.Dave for the applicants.
Mr.K.V.Saste APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 31ST AUGUST, 2004

P.C.:

. Heard Mr.Dave, learned counsel for the applicants and Mr.Saste, learned A.P.P. for the respondent.

2. The applicants have filed this application for being released on bail in C.R.No.48/2004 registered at Vadgaon police station under sections 307, 147, 148, 149, 323 and 324 of Indian Penal Code. It appears that there was free fight between two groups on 2.4.2004 at 10.30 pm in which persons on both sides sufferred injuries. C.R.No.47/2004 was registered at the instance of applicant no.1 against eight persons on the complainant's side mainly under section 326. C.R.No.48/2004 was filed against the applicant and four others mainly under section 307 of Indian Penal Code. There does not seem to be any dispute that the applicants also sustained injuries in the alleged occurrence.

Admittedly, except the present applicants all the accused involved in both C.Rs have been granted bail. Keeping that in view and considering the nature of allegations against the applicants and injuries sustained by the victims I am satisfied that there is no prospect of offence under section 307 being escalated to higher counts. Considering the overall facts and circumstances of the case I am inclined to enlarge the applicants on bail.

. The applicants are directed to be enlarged on bail on their furnishing a personal bond of Rs.10,000/- each with one or two sureties of the like amount to the satisfaction of the trial court, subject to the condition that they shall report the concerned police station on every Wednesday and Saturday between 6 pm and 7 pm for a period of six months and thereafter on every alternate Saturday between 6 pm and 7 pm until the conclusion of their trial.

. While passing this order, I shall not be understood to have expressed any opinion on merits of the case. The trial court will deal with the case uninfluenced by the observations made in this order.

. The application is disposed of.

(D.B.Bhosale, J.)